

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

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VS.

CRIMINAL NO. H-10-258

CLARENCE HUDGENS, *et al.*

ORDER

The government filed a sealed Motion for In Camera Review of the confidential file prepared by the U.S. Probation Office in the Southern District of Alabama in connection with Harris Dempsey Ballow's 1988 conviction for fraudulent use of a credit card, wire fraud, and mail fraud. The government was uncertain about whether to disclose the file and Ballow did not consent to its release. The government asked this court to determine whether disclosure was required to meet the ends of justice.

This court has reviewed the probation file in camera. There is no indication that the information contained in this file is available to the defendants from any other source. And much of the information is relevant to the issues in the case and would be discoverable if not contained in a confidential probation report.

Accordingly, this court orders the government to produce to counsel for the defendants, subject to a protective order, the materials attached to the Motion for In Camera Review, no later than **January 11, 2013**.

SIGNED on December 20, 2012, at Houston, Texas.



Lee H. Rosenthal
United States District Judge